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Chair: Mr. Haniff ..... (Malaysia)

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Merci de recycler

The meeting was called to order at 3.05 p.m.

Agenda item 65: Promotion and protection of the rights of children

(a) Promotion and protection of the rights of children (A/66/41, A/66/227, A/66/228, A/66/230, A/66/256 and A/66/257)

(b) Follow-up to the outcome of the special session on children (A/66/258)

1. **Mr. Lake** (Executive Director, United Nations Children's Fund (UNICEF)) presented the reports of the Secretary-General on three critical issues: the status of the Convention on the Rights of the Child, focusing on children with disabilities (A/66/230); the girl child, focusing on the serious impact of early and forced marriage (A/66/257); and the follow-up to the special session of the General Assembly on children, focusing on the commitment to build a world fit for all children (A/66/258). The reports had a common thread: too many children were being left behind and deprived of their right to thrive because of their gender, disabilities or place of birth.

2. It was important to go beyond the statistics and imagine the lives of children with disabilities, who, compared with other children, were at greater risk of malnutrition and death, extreme poverty, inadequate health care and never going to school. Millions of children with disabilities were often unnecessarily segregated from society. They were also more likely to be victims of discrimination, neglect, abuse and violence and the protection systems in place rarely addressed the special challenges they faced.

3. Educated girls were more likely to earn fair wages, protect themselves from HIV and have healthy, educated children themselves. Yet, more than half of the children out of school were girls. Uneducated girls were more vulnerable to sexual violence and more likely to be forced into early marriage. If current trends continued, in the next decade, over 100 million girls would be married early and, like their babies, be exposed to life-threatening complications associated with early pregnancy and childbirth. Children were also living in poor, remote communities where health care or education were inaccessible or unaffordable and child mortality rates were excessively high.

4. The future should hold more promise for all those children, but that required a collective effort from Governments, the international community and civil society. The once-common belief that it was too expensive to focus on those forgotten children was no longer valid, as pharmaceutical and technological advances were making it easier to reach children in time to save and change their lives. A UNICEF study had illustrated that the benefits of focusing on the poorest children outweighed the extra cost of reaching them. Every additional dollar thus invested could reduce child mortality by up to 60 per cent. Investing in the social sector was vital to the long-term development and strength of societies. As the Secretary-General had recently stated, there could be no sustainable development unless there was equitable development.

5. More must be done in a number of areas. The paucity of data on children with disabilities meant that it was harder to include them in policies and to guarantee that their rights were not infringed. Consequently, better identification of those children and of areas of need was necessary. Similarly, it would take more than programmes to protect girls — shifts in cultural and behavioural norms that excluded and even endangered girls were required.

6. In those and other efforts, the valuable collaboration of UNICEF with the Special Representatives of the Secretary-General and the Special Rapporteurs was critical. Working with other independent bodies within the United Nations would increase effectiveness and success. One mark of that success would be the universal ratification of the Convention on the Rights of Persons with Disabilities. UNICEF also applauded those Member States that had taken legislative and community-level action banning the practice of forced marriage and child marriage and hoped others would follow suit. Lastly, he urged universal ratification of the Optional Protocols to the Convention on the Rights of the Child.

7. **Mr. Jung** Jin Ho (Republic of Korea), concurred that the scale and severity of violations against the rights of children with disabilities constituted a hidden emergency. Discrimination against girls with disabilities and the increased risk of their being subjected to violence, exploitation and abuse were particularly worrying. He would appreciate further elaboration on the situation of girl children and best approaches to address multiple discrimination.

8. **Mr. González Jiménez** (Mexico) said that eliminating violence against children was crucial to their individual and social development and their full participation in society. His delegation was particularly concerned that such violence was widespread, especially bullying and cyberbullying, which had become the leading cause of suicide in children and teenagers. It was particularly important to protect children in special circumstances, as well. The solution to violence against children required gender mainstreaming in the fields of protection, prevention, restitution of rights and the fight against impunity wherever the State, the family and the community were at risk. He reiterated Mexico's commitment to achieving the Millennium Development Goals relating to children's well-being.

9. **Ms. Arias** (Peru) said that the equity-focused approach taken by UNICEF was not only a political necessity but a matter of moral urgency in combating the profound inequalities in societies, regardless of economic development, and for meeting the needs of the most vulnerable. She asked whether other agencies had adopted the approach and how they could apply it. She took the opportunity to thank UNICEF once again for the important work done in Peru, especially in remote mountain areas.

10. **Ms. Razzouk** (United States of America), referring to the report on the girl child, expressed concern that female children were more vulnerable to the effects of poverty than boys, with a number of interlinked repercussions on health and education and heightened risks of violence or abuse. She would like to hear what practical steps were recommended to ensure that girls were protected and received the attention warranted by their vulnerability.

11. **Ms. Morillo-Ruin** (Costa Rica) said that she wished to follow up on two topics recently raised by the President of Costa Rica: social responsibility and the role of the State in the care of children; and the effects of violence and organized crime on children, particularly in her region. She would appreciate comments on the work UNICEF carried out on those fronts.

12. **Ms. Bhoroma** (Zimbabwe), recognizing the necessity for data collection, which was central to the equity-focused approach, asked how UNICEF and other agencies had been able to enhance data gathering for more effective programming and how Member States could improve in that respect, given the perennial lack of financial and technical resources. It was widely known that developing countries had difficulty compiling accurate data — especially in hard-to-reach and rural areas — and that accurate data was essential for successful programming.

13. **Mr. Lake** (Executive Director, UNICEF) said that rather than simply looking at statistics, the difficulties faced by girls with disabilities should be considered from two levels: the heart, which made the multiple discrimination they suffered wrenching; and the head, which made one realize that when a girl child was denied her right to education and could not reach her full potential, it was not only she and her family who suffered a great loss, but the whole society.

14. Cyberbullying was, indeed, a very important issue which deserved greater and continued attention regarding gender-mainstreamed approaches, the day would come when gender and challenges facing girls were no longer separate topics but were included in general discussions on education and health. Real progress had been made towards the Millennium Development Goals (MDGs) and the equity approach, both within and outside of the United Nations system. UNICEF had no monopoly on the approach, and he had been pleased at the emphasis placed on equity by the Administrator of the United Nations Development Programme (UNDP) and at the discussions in the United Nations Development Group.

15. It was true that the challenges facing girls with disabilities and poor children were closely related — with education affecting health, nutrition affecting education, and so on, and integrated approaches were necessary to address those issues. If a family in a poor community was less willing or simply unable to pay school fees for a girl than a boy, cash transfers made to the parents could be made conditional on girls being sent to school. If a girl was reluctant to go to school because of bullying by boys, UNICEF would also focus civic teaching on boys. A girl might not want to go to school because there were no separate toilet facilities for girls; UNICEF was helping to build schools with adequate facilities around the world.

16. Crime and violence were also important problems that had to be addressed. In Central America, UNICEF had made significant strides in reducing mortality in children under age 5, yet statistics showed that more

children had been killed by violence than saved by the decline in under-five mortality.

17. Agreeing that data collection was vital, he said that it was equally important to gather and, consequently, monitor data in a timely fashion so that Governments and partner agencies could better manage information to provide results. It currently took up to two years to assess the final results of programmes on children's lives. UNICEF was therefore inventing a new system: in some countries, it would monitor progress every six months and discuss findings with Government partners.

18. **Ms. Coomaraswamy** (Special Representative of the Secretary-General for Children and Armed Conflict) said that the last year had seen a number of successes in the protection of children: over 11,000 children associated with armed groups had been reintegrated; commitments from the Unified Communist Party of Nepal-Maoist and the Moro Islamic Liberation Front in the Philippines had resulted in concrete actions; efforts on the ground had ensured the release of children in the Sudan, South Sudan, the Democratic Republic of the Congo, Myanmar and Sri Lanka; and New Action Plans to cease the recruitment of children and to secure their release had been signed by the United Nations and the Governments of Afghanistan and Chad. Progress had also been made in the joint campaign to achieve universal ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, with 15 additional Member States having signed, ratified or acceded thereto since the beginning of the campaign, bringing the total to 143 ratifications. Another noteworthy development was the adoption of Security Council resolution 1998 (2011), which made attacks on schools and hospitals a reason for listing parties in the annexes of the Secretary-General's Annual Report on Children and Armed Conflict. The Council thus recognized the importance of those institutions continuing to be safe havens and places of learning even during armed conflict.

19. Those advances notwithstanding, the previous year had also witnessed alarming developments, such as the apparent trend of using children as instruments of violence in suicide bombings, and the death or injury of children as a result of aerial bombardment. She urged Member States to implement protective measures to address those issues and to ensure zero child casualties during warfare.

20. Efforts to end violations against children in times of conflict must stem from a thorough understanding of the root causes of those violations and of conflict itself. Often with encouragement of parents and incitement from armed groups, children became combatants in the hope of receiving food, housing and protection. To prevent their recruitment, it was therefore vital to address poverty through targeted development programmes, education and youth employment schemes and livelihood training, while holding accountable the commanders who committed those crimes. A number of other factors contributed to violations against children: discrimination and inequality, a sense of loyalty to a group whose leaders lured in children with a romantic sense of destiny and a State and community structure weakened by conflict where structures of protection were dysfunctional and children were vulnerable to abuse. It was also common that the conflict became an end in itself, resulting in a militarization of society with children accepting war as the norm and armed leaders as heroes and role models, having known nothing else.

21. In 2011, her Office had sought to highlight the issue of children and justice in armed conflict and post-conflict situations, particularly when children were treated not as victims, but perpetrators. States increasingly arrested and detained children associated with armed groups, who were sometimes kept in conditions that did not meet the minimum standards prescribed in international legal instruments, exposed to ill-treatment and acts tantamount to torture. Evidence abounded that children deprived of liberty were particularly vulnerable to human rights violations, yet some States placed children in administrative detention without ever bringing them before a court. Other States prosecuted children for acts committed in association with armed groups despite the fact that national and military courts rarely applied juvenile standards. Consequently, those children were often tried without requisite legal assistance, without the presence of their parents and without a clear understanding of the charges brought against them. In light of their forced association with armed groups and their age, children should be treated primarily as victims, not as perpetrators, while all efforts should be made to prosecute adult recruiters and commanders.

22. The need for accountability was undeniable: children must be made to face the consequences of their actions and their victims must be given a sense that justice prevailed. Nevertheless, children and the society as a whole stood to benefit from alternatives to the judicial system which considered the best interest of the child and promoted reintegration into the community. There were many non-judicial alternatives for restorative justice, which would give children who had been forced to become combatants a new chance for a better life.

23. On a recent visit to Chad, she had met a former child rebel fighter who had been released to the United Nations, had subsequently received training with the assistance of CARE and UNICEF and set up a successful tailoring business. While there were other such United Nations success stories, many other children fell between the cracks. The plan to end impunity for crimes against children during war could only succeed with effective reintegration programmes. That would require the international community to provide resources and support to UNICEF and child protection partners. While she was aware of current economic hardships, she urged Governments to make the forgotten children of war one of their top priorities.

24. **Ms. Razzouk** (United States of America) said that the fight to eliminate the scourge of unlawful recruitment and use of child soldiers was important to her Government, which welcomed the adoption of the Security Council resolution. She would be interested to hear some of the Special Representative's observations on the most effective mechanisms for reintegrating children into society.

25. **Ms. Löw** (Switzerland) expressed her delegations particular concern at two of the problems highlighted in the report: the increasing use of very young children with disabilities to transport bombs, and the non-respect for rules and standards of detention. It was important to enhance cross-border cooperation for better coordination and implementation of information-gathering and sharing mechanisms to reintegrate child soldiers into their societies. She asked how the United Nations could encourage more complementary work by States, national and international NGOs and organizations that dialogued with armed groups to protect children from the effects of armed conflicts.

26. **Ms. Schlyter** (Observer for the European Union), recalling that the Special Representative of the Secretary-General for Children and Armed Conflict had indicated in her report that her Office worked regularly with the Office of the Special Representative of the Secretary-General on Violence against Children and other relevant United Nations partners, asked her to elaborate on that collaboration.

27. **Mr. Babadoudou** (Benin) said that his delegation was also concerned by the trend of criminalizing child soldiers, which jeopardized the work of the United Nations. Those children should not be treated as criminals, but as victims, and he asked what measures the Special Representative had already taken or intended to take to remedy that situation.

28. **Ms. Thallinger** (Austria) said that Austria agreed that non-judicial restorative accountability mechanisms should be explored as appropriate alternatives to criminal proceedings for children formerly associated with armed groups. She asked what were the challenges to diversion from judicial systems and how the United Nations could help to surmount those challenges. While the separation of some 11,000 children from armed groups in 12 months was encouraging, social and economic reintegration were crucial for ensuring the sustainability of such action. She would like to hear an assessment of the progress achieved in that regard.

29. **Ms. Coomaraswamy** (Special Representative of the Secretary-General for Children and Armed Conflict) said that child protection partners had outlined a set of best practices — the Paris Principles — which gave clear guidelines on how to reintegrate children successfully, based on the best interests of the child. The Principles identified the need to take children back to their families and to work together with family and community, treating them as isolated individuals not being conducive to reintegration. A short period of rehabilitation while the family was being traced was recommended. That required resources, however. It was also important to rethink the training programmes usually offered by NGOs and governments, which were usually in limited vocational fields, and instead to develop programmes through which former child fighters could become doctors or lawyers, as in Colombia. The main obstacle to that was funding, as donor contributions provided only six months of funding per child, which was simply not enough. She knew times were difficult, but she had made it a point to be an advocate for funding for child-protection partners.

30. There was effective coordination between independent but complementary bodies. As Under-Secretary-General, she had convened the Task Force on Children and Armed Conflict, comprising 16 departments, agencies, funds and programmes dealing with children and armed conflict. It prepared reports to the Security Council and the General Assembly and raised other issues, meeting three or four times a year. The Technical Reference Group, co-chaired by UNICEF and comprising all bodies relating to children and to armed conflict, met on a bimonthly basis and dealt with all issues coming from the field. Country-level task forces, especially in conflict areas, headed by the Special Representative of the Secretary-General and his Resident Coordinator and co-chaired by UNICEF, reported to Headquarters through her Office. The information they provided was sent to the Secretary-General and formed the basis of his reports to the Security Council Working Group on Children and Armed Conflict. Her Office also worked closely with the Committee on the Rights of the Child. Interactive dialogue was held with Member States through the General Assembly, with the Human Rights Council, and a Friends' Group which met on a bimonthly basis. She had also appointed an Advisory Group of Non-Governmental Organizations with whom she met every two months to discuss issues of mutual concern. Regular informal meetings were held on an ad hoc basis between her Office, the Office of the Special Representative of the Secretary-General on Violence against Children and UNICEF child protection. In addition there was the joint campaign on the Optional Protocols to the Convention with UNICEF and OHCHR. That was all possible because even though her mandate was a special procedure of the Human Rights Council, as Under-Secretary-General, she had a full-time department and the capacity to convene those groups.

31. Children and justice was a grave concern, particularly owing to the changing nature of conflict. Large numbers of children were being detained and prosecuted in some of the new theatres of war. International courts had all ruled that children under 18 should not be prosecuted; in Sierra Leone, the Prosecutor had used his discretion to send most of the children to the truth and reconciliation process, favouring a rehabilitative context over a punitive context. Her Office advocated that strongly and urged Member States to join in a global campaign not to treat children as war criminals when they had been associated with armed groups, often against their will or without understanding the implications of their actions. The commanders were the ones to be held accountable. Many countries had opted for rehabilitation processes and she hoped to be able to persuade others to follow.

32. **Mr. Babadoudou** (Benin) asked if the Special Representative could elaborate on how States concerned were included in or contributed to the collection and processing of data.

33. **Ms. Coomaraswamy** (Special Representative of the Secretary-General for Children and Armed Conflict) said that data came primarily from the country task forces and was shared with parallel steering committees which had begun to be established in the relevant ministries in those countries. No information about a country was sent to her without it first being shared at country level.

34. **Ms. Santos Pais** (Special Representative of the Secretary-General on Violence against Children), presenting her second report to the General Assembly (A/66/227), expressed appreciation for the support to her mandate. The joint global campaign for universal ratification of the Optional Protocols to the Convention by 2012 was proof that cooperation accelerated progress. She was confident that the goal, which had been inscribed in the United Nations policy agenda, would be achieved: 150 states had already ratified the Optional Protocol on the sale of children, child prostitution and child pornography and many of the remaining countries had committed to ratification.

35. The second year of her mandate was vital in bolstering follow-up to the recommendations of the United Nations Study on Violence against Children. Crucial to that was consolidating partnerships with United Nations bodies and regional organizations, conducting field missions, holding expert consultations, promoting thematic reports to assist Member States in advocacy and legal review, and creating a culture of respect for children's rights, which was indispensable for challenging the widely accepted use of violence to discipline and educate children. Significant efforts had been made to raise awareness about the negative impact of violence on children's rights and to mainstream the issue in the public debate and policy agenda. Two major milestones in that regard were the debate in the Human Rights Council on the rights of children working and/or living on the street

and the decisive General Comment on the right of the child to freedom from all forms of violence adopted by the Committee on the Rights of the Child. She was certain that the third Optional Protocol to the Convention on the Rights of the Child on a communications procedure would be adopted at the current session of the General Assembly, placing the Convention on the same footing as other treaties. Regionally, significant political commitments to protect children from violence had been undertaken, reaffirming the joint resolve of Member States and regional organizations to promote change. Governance structures, such as annual peer reviews, had been established to monitor implementation and progress, providing fundamental support for Governments by capturing change and emergent concerns, helping to identify and disseminate good practices and galvanizing national efforts.

36. As a bridge-builder and catalyst for action, she had the privilege of working closely with Member States, other strategic institutional partners, civil society and children and young people. Together they had accomplished speedier review of legislation, established well-coordinated national agendas on protection of children, set up coordinating bodies and inter-ministerial commissions, and consolidated data and research to understand the incidence of violence on children, root causes and risk factors and to prevent violence from happening in the first place.

37. Tangible progress had been made in law reform. Since the completion of the United Nations study, the number of countries with legislation prohibiting all forms of violence against children had almost doubled, with prohibition inscribed in the Constitution in some cases. Legislation alone did not suffice, however; prohibitions could not work without detailed provisions on procedures, responsibilities and accountability. More and more countries were introducing texts to address violence in specific settings, such as bans on violence in the school system.

38. Though the positive developments were encouraging, many challenges remained. Only 5 per cent of the world's children were protected by legislation, and it was essential to narrow the gap between the text of the law and the realities for children. Consequently, she had convened an Expert Consultation on Law Reform, with wide array of United Nations bodies and institutional and civil society partners. The first notable conclusion had been that law reform was an indispensable part of a robust national child-protection system, requiring harmonization with international standards, but could only be enforced through sustained public information and education, advocacy, capacity-building and guidance for those caring for children and a systematic evaluation of achievements and failings. Governments must accompany initiatives with implementation plans, identifying, among other things, the human and financial resources required. Secondly, it had been recognized that while a clear message should be sent through legislation prohibiting violence against children in all forms and settings, detailed provisions in specific legislative texts were indispensable. Legislation was only effective if based on sound information. Good data and research enabled countries to make appropriate and timely decisions, to prevent violence rather than simply regret and respond to it.

39. Consequently, data and research was a priority of her mandate. She cited the unique, pioneering study carried out in Tanzania on the incidence and magnitude of violence on children. Developed by a multi-sector task force, the survey gave a frank and comprehensive picture of what needed to be addressed and also allowed Tanzania to understand existing knowledge gaps. Of particular importance was the fact that the Government had not simply published the findings, but developed a policy agenda with significant responses and projected deadlines for implementation, showing its readiness to address violence decisively. The situation of children with disabilities had not been covered in the study, but she was confident that that would be addressed in a second stage of the effort.

40. Such initiatives showed that with strong political will and a shared sense of urgency and resolve, stakeholders could cooperate and make a difference, sending a message to the millions of child victims of violence worldwide that they were not isolated or neglected.

41. Her office was conducting a global survey on violence against children, in which she hoped to incorporate the views and recommendations of children. Child participation had been instrumental in the United Nations study, and she thanked civil society partners for developing a child-friendly version of the survey. The outcomes would be presented in 2012. She was hopeful that with Member States' help, they would be able to shape a vision for the future beyond 2012.

42. **Ms. Greble** (Australia) said that Australia had introduced reform in family law to provide a better response to family violence. She would like to hear the Special Representative's views on how States could deal more effectively with accusations of violence in family law matters such as child custody and separation proceedings. She also asked the Special Representative to elaborate on her plans for the possible collaboration with the ASEAN Commission for the Promotion and Protection of the Rights of Women and Children (ACWC) mentioned in the report.

43. **Mr. Alnsour** (Jordan) welcomed the Special Representative's cooperation with the Arab region to raise awareness on violence against children. Recalling that she had referred to herself as the global defender of children, he asked what financial and human resources were available to carry out and sustain such an important mission.

44. **Ms. Razzouk** (United States of America), recalling that the report had mentioned the creation of a website as a platform for networking with partners and children, asked what had been the response to the site, particularly from children, and what additional resources would be provided for them through the site. She would also like to hear more about the planned high-level meeting with representatives of regional governance structures and other initiatives as mentioned in the report.

45. **Ms. Brichta** (Brazil) said that Brazil had been pleased to receive a visit by the Special Representative to support its undertaking to strengthen the legal framework with the elimination of corporal punishment, which was still under consideration by the Congress. Her delegation agreed with the need to establish child-sensitive counselling, reporting and complaint mechanisms, which were essential for addressing breaches of children's rights. In that vein, Brazil had implemented a national hotline, which had received over 2.5 million reports of abuses since its establishment in 1993. She welcomed the attention given to violence in schools and endorsed the promotion of holistic, participatory and child-centred strategies to ensure that schools remained safe environments, free of all forms of violence.

46. **Ms. Schlyter** (Observer for the European Union) asked how the mandate built on the coordination framework, how she assessed that cooperation with other United Nations child-rights actors and mandate holders, and for further elaboration on progress in regional cooperation. The United Nations study on violence against children had placed emphasis on protecting children from violence in all settings, and she wanted to know how relevant that approach was to the mandate and how it could help Member States in efforts to prevent and eliminate violence. Lastly, she asked what could be done to improve prevention and elimination of violence against children with disabilities.

47. **Ms. Egermark** (Sweden) said that making the world safe for children was a top priority for all branches of society in Sweden, which had been the first country in the world to ban corporal punishment of children. The Special Representative had identified the features of successful law reform and noted that reform was gaining momentum. She asked about the prospects for accelerating law reform and what the international community could do to help. She asked what opportunities there were for engaging youth and children in the global efforts on violence against children and if there were other groups, such as girls with disabilities, for which such engagement seemed particularly important.

48. **Ms. Skarpeteig** (Norway) asked what the main obstacles were to ending impunity for perpetrators of sexual violence against children. She would also like to learn more about collaboration and coordination with other mandate holders.

49. **Ms. Murillo-Ruin** (Costa Rica) asked about the role of human rights education, as mentioned in paragraph 63 of the report, in the prevention of violence against children.

50. **Mr. Ahmed** (Algeria) said that all violence against children in the school system was prohibited in Algeria, and perpetrators incurred disciplinary and even legal sanctions. He asked what the Special Representative had identified as the root causes of violence, whether she had any gender-disaggregated data on the places where that violence occurred, and what recommendations she could make for eliminating violence against children, particularly that resulting from new technologies.

51. **Ms. Thallinger** (Austria), noting that the report had mentioned an expert consultation with the United Nations Office on Drugs and Crime (UNODC) to be held in early 2012, asked what the expected outcomes were and how it would contribute to the full-day

meeting on children and the administration of justice at the next session of the Human Rights Council.

52. **Ms. Santos Pais** (Special Representative of the Secretary-General on Violence against Children) said that cooperation with regional organizations was, indeed, a cornerstone of her mandate. Regional organizations played a vital role in bridging efforts, mobilizing support, sharing practices and renewing the commitment to prevent and address violence against children. Close collaboration was under way with the ASEAN Commission, which had identified violence against children and women as its top priority, with a regional meeting planned for January 2012. Subregional meetings would be held in Central America and the Caribbean in December 2011 and January 2012 respectively. She was investigating with other regions the possibility of organizing meetings to understand their specific challenges and good practices and accelerate progress.

53. Violence within the family in custody cases was a serious issue, given the risk of the child being manipulated and instrumentalized in the dispute. Working with the family as a whole was important, although it could be tempting to think that removing the child from the family environment was best. It had also been seen that working with perpetrators of violence was essential for nurturing the unity of the family and for providing the love and affection children needed to heal and overcome the experience. There were a number of good practices around the world that could stimulate further discussion.

54. She reminded the Committee of the decision of the General Assembly in establishing her mandate that, unlike other mandates, it would be funded by voluntary contributions from United Nations agencies, Member States and other partners. Resources therefore depended heavily on the goodwill of countries and, consequently, were very limited. She had a small team, of whom she was very proud and whose energy was not curtailed by the lack of resources. As such, it was essential to work with partners within and outside the United Nations system which had a visible and respected worldwide presence — and to make the best of their voice, expertise, and support so that States could take decisions and improve the situation of children. It was obvious that she needed much more resources, but that was another debate.

55. She saw law reform as essential because without the proper legal foundation, it was impossible to convey the rights and wrongs of violence against children. The study had called on countries to adopt legislation by 2009 and though the target had not been met, a difference could still be made. She was pleased at the wealth of good initiatives worldwide and felt that progress was already speeding up. She hoped to support Member States by creating platforms where experts came together. International standards provided guidance, but States ultimately decided on their reforms. Following the expert consultation on law reform, a thematic report was being prepared, for tentative release in early 2012, in which some good practices would be documented.

56. Sexual violence was, unfortunately, incredibly pervasive in society and though data was lacking, surveys conducted in some countries had shown that more than 30 per cent of children, both girls and boys, were victims of sexual violence — in the home, in schools, on the streets, as domestic workers. The first obvious solution was to ratify the Optional Protocol on the sale of children, child prostitution and child pornography, which provided States with help in a number of areas. It was important to publicize successfully prosecuted cases, to ensure a deterrent effect by showing that there was criminalization, investigation and prosecution. Otherwise, children would continue to believe that they had to maintain silence and that they were alone. She reiterated that it was absolutely critical for all countries to have child-sensitive counselling, reporting and complaint mechanisms.

57. Recognizing Costa Rica's renown in the promotion of human rights education, particularly during the United Nations Decade for Human Rights Education (1995-2004), she said that the first line of prevention of violence against children was children themselves. Without investment in training for teachers and school personnel, review and development of new curricula that encouraged children to discuss violence, its solutions and peaceful conflict resolution in a safe environment, change would be impossible. Human rights education was therefore essential and should be enhanced.

58. It had to be recognized that there was a considerable lack of statistics broken down by gender and other factors. However, a number of studies and surveys had provided sufficient information on the

incidence of violence. It was essential to work on that front and, with the help of UNICEF, build capacity in countries. In May of 2012, her Office would organize jointly with Sweden and other United Nations partners an expert consultation to assess the state of knowledge, methodologies, instruments and best practices.

59. The Resolution establishing her mandate provided significant guidance on her role and that of her partners in the United Nations system. She chaired an inter-agency working group on violence against children, in which all leading United Nations agencies participated, and she benefited from their experience. What mattered, though, was action on the ground, and the United Nations programme was coherent and effective, with country teams being the main point of interaction.

60. Addressing violence against children in particular settings, such as in schools, was useful in her work in that cooperation with experts in a given field made it possible to understand the causes of violence in that setting, the main actors, and how to make a difference. However, it should not be felt that violence was sectoral or only occurred in specific settings; it was cross-cutting and non-discriminatory, hence the need for continued cooperation.

61. There was very little data on violence against children with disabilities. Available research had shown that they were at the highest risk of violence, particularly sexual violence. As to what could be done, she felt it necessary to work first with the child, to invest in empowering the child. Poverty and disability went hand in hand, and if quality basic social services were not provided to the families, the children would be excluded from society and have no access to health care and education. Capacity-building for professionals, better data, stronger legislation, and adequate monitoring were also needed.

62. Her Office would be organizing, with UNODC and OHCHR, an important expert consultation in Vienna in January 2012 to build on the work already done by its many partners. It was important to hold the consultations ahead of the thematic debate in the Human Rights Council to be able to present a summary report during the debate on juvenile justice.

63. **Mr. Zermatten** (Chairperson, Committee on the Rights of the Child) said that of all the human rights treaties, the Convention on the Rights of the Child was closest to universal ratification. Significant improvement had been seen worldwide in a number of areas, including legislation, better access to health care and education, and greater visibility for such previously hidden issues as violence against children.

64. However, the Committee was disturbed by some regressive measures that were negatively affecting children's rights. Public insecurity had led to a lowering of the age of criminal responsibility in many countries; the economic crisis had resulted in drastic cuts in social expenditure and economic, social and cultural rights were suffering; the food crisis in the Horn of Africa had placed millions in danger of death or severe malnutrition; and political instability in North Africa and the Middle East directly and indirectly endangered the lives of hundreds of thousands. Children were, once again, the main victims in adult conflicts. It was important to help all children because they were vulnerable and they had rights of their own.

65. There was a considerable backlog of reports pending review in the Committee, owing in part to the requirement for States parties under the Optional Protocols to submit separate initial reports. There were currently 150 States parties to the Optional Protocol on the sale of children, child prostitution and child pornography (OPSC) and 142 States parties to the Optional Protocol on the involvement of children in armed conflict (OPAC). Many States had already submitted initial reports for review: 89 had been received under the OPAC (68 had been considered); 74 reports had been received under the OPSC (52 had been considered). The treaty bodies were victims of their own success. In 2010, additional resources approved by the General Assembly in 2008 had enabled the Committee to meet in double chambers in three sessions and thus cap the backlog. However, with the termination of double chambers, the reports pending review had begun to accumulate once more. There would be fewer reports submitted once all initial reports had been considered, but it was likely that the Committee would continue to face a serious backlog.

66. To address that and to encourage timely reporting, the Committee had decided, at its fifty-sixth session, to request the General Assembly to approve the organization of one of its three annual sessions in two parallel chambers on a permanent basis. He would therefore ask the General Assembly, at its sixty-sixth session, to approve that request and to provide appropriate financial support to enable the Committee to work in two chambers, beginning with a

pre-sessional working group meeting in 2012 and at one session in 2013. He realized that additional working days were but an interim solution to the delays in considering reports. The workload of the Committee would have to be reviewed once universal ratification of the Convention and Optional Protocols and universal compliance with reporting requirements had been achieved.

67. Considerable progress had been made in that regard, but more remained to be done. Universal ratification of the Convention on the Rights of the Child was within reach and he called on the three States yet to ratify it (Somalia, the United States of America and South Sudan) to do so as soon as possible. He also called on those States that had not yet done so to ratify the Optional Protocols, for it was the least they could do to ensure that children were no longer subjected to armed conflict, sale, prostitution or pornography.

68. The Committee warmly welcomed Human Rights Council resolution 17/18 on a third Optional Protocol on a complaints procedure. The Committee would thus be competent to consider individual complaints from children and to organize country visits in cases of systematic violations of children's rights. He expressed the hope that once adopted by the General Assembly, the Protocol would receive the requisite 20 ratifications for its entry into force.

69. Over the last year, the Committee had adopted general comment No. 13 on the right of the child to freedom from all forms of violence, which aimed to give guidance to States parties on understanding their obligations under article 19 of the Convention, and on developing a framework for eliminating violence through comprehensive caregiving and protection measures. It had also held a widely attended day of general discussion on the rights of children of incarcerated parents, an issue that was unprecedented in international debate. The idea was to give guidance to States and other actors on their obligations to promote and protect the rights of those children.

70. The Committee continued to participate actively in the ongoing harmonization of working methods among treaty bodies. It had been able to make proposals and participate in consultations which had given great visibility to the important role of treaty bodies in protecting human rights worldwide. It had been clear that the system had doubled in size since 2006, but financial resources had not increased accordingly. The Committee was trying to work effectively and efficiently and had adopted treaty-specific guidelines on the form and content of periodic reports. However, increased efficiency did not necessarily reduce costs. For its work to be user-friendly and visible, it might have to invest more in a number of areas. It appreciated interaction with the High Commissioner and other stakeholders, and looked forward to the High Commissioner's report.

71. In conclusion, he recalled that pursuant to General Assembly resolution A/RES/65/197, his statement would not be followed by interactive dialogue. He regretted that deeply and invited the Chair to consider allowing a constructive exchange of views between the Committee and Member States in 2012.

72. **Ms. M'jid Maalla** (Special Rapporteur on the sale of children, child prostitution and child pornography), introducing her report, said she would focus on the thematic study on the key guidelines and components of a system to protect children from sale, prostitution and pornography. It would serve as a tool for creating integrated child protection systems, enabling stakeholders to protect children's rights more effectively.

73. In the country visits and talks with Governments, national human rights institutes and children carried out in the course of her mandate, she had identified the need for a guide on the implementation of recommendations by international and regional human rights bodies on preventing and combating the sale of prostitution and pornography involving children. She had always placed emphasis on the need for a comprehensive, child-centred approach to take account of the need to protect all children from sexual exploitation. The multidimensional and changing nature of the problem — with transnational criminal networks using new technologies that were constantly evolving — rendered it difficult to combat it effectively. It was therefore important to move from sectoral actions to an integrated approach that was coordinated, multidisciplinary, reactive and proactive and operated at local, national and international levels.

74. If everyone participated, it would be possible to set up truly integrated systems to protect children and combat those crimes more effectively. Those systems should ensure that children's best interests were taken into account and incorporate laws and regulations;

multisectoral policies and programmes clearly identifying roles and responsibilities; monitoring, evaluation and follow-up; data collection and processing; and national and transnational cooperation.

75. The first component of such systems was a clearly defined legal and conceptual framework identifying the international instruments applicable: defining the crimes was fundamental for them to be addressed appropriately. The second component was reliable and regularly updated information on the incidence of the problem. Available data was often incomplete and unreliable; the real magnitude of the problem remained unknown owing to low reporting rates and a number of other factors and it was necessary to implement a centralized, standardized information system in order to provide appropriate solutions. The third component was a legal and regulatory framework that took children's best interests into consideration, protected victims and witnesses, sanctioned perpetrators heavily and provided for transnational cooperation. Domestic legislation must be brought in line with international and regional instruments, criminalize sexual exploitation and impose effective, proportional and dissuasive sanctions, as well as requiring Internet providers, telephone carriers and financial institutions to report infractions and to cease providing of services to perpetrators. The fourth component was comprehensive and effective identification, protection, support and follow-up for children: it was important for child victims or witnesses to have access to reporting mechanisms that ensured their safety, and their participation in judicial processes should not subject them to further victimization during court proceedings. All stakeholders had to work together to identify the steps to be followed from the moment the victim was identified to his or her reinsertion into society; that would ensure better coordination and information sharing. In that regard, institutional and personal capacity-building was required.

76. The fifth requirement was effective and sustainable preventive measures to address the socio-economic causes and risk factors of, and demand for sexual exploitation. Long-term awareness-raising and education programmes must be implemented that included all public and private stakeholders, especially children, families and communities. The sixth was participation and involvement of children: they were not only victims, but could and should help to come up with solutions and should also have access to information and be allowed to express their opinions. The seventh was regular and effective monitoring and evaluation: in accordance with General Comment No. 2 of the Committee on the Rights of the Child, independent national children's rights institutions must be established or reinforced by 2013. The eighth component was social responsibility of companies: codes of ethics should be generalized in the private sector to enhance protection of children; similarly, financial institutions should improve cooperation to flag and dismantle financial arrangements for the sale or exploitation of children — a highly lucrative "industry" worth billions of dollars. The last component was effective inter-State cooperation, especially in information exchange, mutual judicial assistance, contributing to Interpol's International Child Sexual Exploitation image database, training and exchange of skills and dissemination of tools and practices.

77. Effective implementation of the integrated protection systems was contingent on certain prerequisites. Governments must show strong political will and allocate sufficient resources, and all stakeholders must be mobilized and take ownership of the principles of child-rights based programming. It also depended on practical modalities. At the national level, that required a comprehensive evaluation bringing together all stakeholders to review existing legislation and regulations; map all child protection programmes and partners; determine risk factors; and assess existing information and monitoring systems. The review would allow stakeholders to devise a national policy for the protection of children in line with children's rights instruments. It would also be possible to identify priorities, establish mechanisms for coordination and follow-up, set up a reliable central database and identify the resources and time frame needed to implement child protection systems. At the regional or international level, effective cooperation was hindered notably by differences in legislation and the absence of harmonized procedures and information systems. The sale of children, child prostitution and child pornography, which transcended borders, called for a coordinated regional and international response to implement a common legal framework and standardized actions, placing the interest of the child above all else. She recalled the recommendation in the Rio Declaration to establish concrete mechanisms and/or processes to facilitate coordination at national,

regional and international levels for enhanced cooperation.

78. Universal ratification of the Convention on the Rights of the Child and its Optional Protocol on the sale of children, child prostitution and child pornography, and all such instruments, was crucial to an effective framework to protect children at the international level. She called once again on all States to place the fight against such horrific crimes and grave human rights violations at the top of their political agenda.

79. **Mr. El-Mkhantar** (Morocco), noting that a report had been presented jointly by the Special Rapporteur and the Special Representative of the Secretary-General on Violence against Children to the Human Rights Council, an example of coordination between United Nations bodies, asked on what level that coordination took place and whether there were efforts to institutionalize or officialize it. The operational aspect of the integrated approach was based on several lines of action, including the need to implement both formal and informal mechanisms. The Special Rapporteur had mentioned involving traditional and religious authorities and he asked whether there were any sociocultural or other forms of resistance to the institutionalization of their mandate. He asked if there was a conceptual framework to establish indicators on the exploitation of children in consultation with Member States. The report had stated that a global map was essential for the implementation of protection systems, and he asked what initial steps had been taken for that mapping.

80. **Ms. Brichta** (Brazil) said that concentrated efforts were required to further advance legislation and promote consistent, integrated policies to address the root causes of the sale and sexual exploitation of children. Involving other relevant partners was indeed key to child protection efforts; for example, a private sector initiative in Brazil, Vera Vida, was aimed at the social reinsertion of poor young people who had been sexually abused and exploited. Some 800 adolescents had already received medical, psychological and dental care and professional training. Public-private cooperation was necessary to protect children from the scourge of sexual exploitation. Lastly, Brazil was developing a number of initiatives and preventive actions to fight child exploitation in the context of the forthcoming FIFA World Cup and the Olympic Games.

81. **Ms. Schlyter** (Observer for the European Union) said that in many instances there already were comprehensive transnational networks which worked together in the fight against the sale of children, child prostitution and child pornography, but there were yet very few cases of prosecution. She asked what the Special Rapporteur believed were the impediments and if there were good practices emerging in that area. The report had also stated that, in some instances, there was cultural resistance to reporting and that awareness-raising was one way of tackling the problem. She asked the Special Rapporteur to elaborate further on that issue and to identify any relevant best practices. Lastly, she asked what States could do to make the justice system more child-friendly.

82. **Ms. Ciaccia** (United States of America) said that, as signatory to the Optional Protocol, her Government encouraged all countries to enact robust laws to protect children from that type of harm. Noting the Special Rapporteur's emphasis on creating a clear normative and conceptual framework, she said that there was a need for clear legal definitions of the Optional Protocol's main concepts in national legislation to avoid legal gaps in prosecution and impunity. She asked the Special Rapporteur to elaborate on how States could use the Optional Protocol when drafting domestic legal provisions.

83. **Ms. Skarpeteig** (Norway) said that the report was an essential tool in combining child protection systems with a human rights approach. She was interested in hearing of the Special Rapporteur's cooperation with the United Nations Office on Drugs and Crime in their work to establish a review mechanism for the United Nations Convention against Transnational Organized Crime. She also wondered what could be done to ensure that sex offenders and end users of child pornography did not just move on to the next victim when one child was saved.

84. **Ms. M'jid Maalla** (Special Rapporteur on the sale of children, child prostitution and child pornography) said that no one doubted that children's rights were indivisible and omnipresent — in economic, social, cultural and political rights. It was thus extremely important to adopt an integrated, cross-cutting approach. Both formal and informal or community-based protection systems did not necessarily need to be made official, but should be included in the wider system. There were examples in West Africa, where native protection systems had been

highlighted to ensure that those actors became stakeholders. Religious or community leaders were included because they had considerable mobilizing power and it was obvious that it was better to have them as stakeholders than outsiders.

85. There had been many questions on how awareness-raising campaigns had been carried out. In many countries, children's rights were perceived as a Western focus, so it was vital for families, communities and children to take ownership of children's rights and how they were perceived as the best way to change perceptions and behaviours. Mapping was important on a national level to identify roles and avoid duplication of effort, and more importantly, to ensure that everyone was in agreement. In her country visits, protection indicators were used to show what was actually done to protect children. There could be no standard indicators imposed across the board because they were used to measure progress, not simply list programmes and services delivered.

86. Effective and sustainable preventive measures were important. It was equally important to consider alternatives for reinsertion, and the private sector had a key role to play, especially for its knowledge of the job market. The transnational dimension made the task of protection considerably more difficult, not only because of the extreme mobility of sex tourists and offenders, but also as a result of new technologies and social media requiring fast action and technological awareness. She agreed that transnational networks in place should be expanded and reinforced. Effective implementation of mutual judicial assistance between countries was vital. Many countries did not apply extraterritorial jurisdiction, even if it existed in legislation. It was difficult to stop sexual predators if information was not shared.

87. Turning to the issue of cultural reticence to reporting violations, she said that children were afraid to tell for fear of reprisal, of being judged, or taboos. In the case of sexual tourism, they often felt guilty. Laws were of no use unless they were enforced and accessible to children. That could be accomplished by training judges, and by implementing complementary mechanisms such as hotlines. Criminals could not be effectively sanctioned without a common legal framework to punish perpetrators and protect children. A recent study had shown that some countries did not even have legislation on pornography.

88. On the much-debated issue of coordination, she said that the Coordination Committee of special procedures had been established to share information, prevent overlaps and ensure coordination among mandate holders. On matters pertaining to children's rights, they cooperated with all relevant United Nations bodies and with NGOs. While they each were independent entities, it was impossible to achieve anything without cooperation. That tool, an initiative of the special procedures, was one of their strengths — as was their independence — which allowed them to have a greater impact on children's rights.

The meeting rose at 6 p.m.